

per diem and mileage of members and per diem of the officers and employes of the First Called Session of the Thirty-fifth Legislature of the State of Texas, and to pay all unpaid warrants held by members, officers and employes of the Regular Session of the Thirty-fifth Legislature.

Section 2. The certificate of the Chief Clerk of the House of Representatives, approved by the Speaker thereof, or of the Secretary of the Senate, approved by the President thereof, shall be sufficient evidence to the Comptroller upon which to audit the claims and issue the warrants for same upon the State Treasurer for the respective amounts.

Section 3. Whereas, the First Called Session of the Thirty-fifth Legislature is in session and public policy requires the appropriation as set forth in Section 1 of this Act, therefore, an imperative public necessity exists that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 19, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 2, and find it correctly enrolled, and have this day at 11:35 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Hudspeth.

S. B. No. 2

An Act making appropriation of the sum of sixteen thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-fifth Legislature of the State of Texas, convened April 18, 1917, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of sixteen thousand dollars, or so much thereof as may be necessary, is here-

by appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the contingent expenses of the First Called Session of the Thirty-fifth Legislature of the State of Texas, convened April 18, 1917, by the proclamation of the Governor.

Sec. 2. The approval of the chairman of the Committee on Contingent Expenses of the Senate, approved by the President of the Senate, or of the chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue warrants, for the respective amounts, upon the State Treasurer.

Sec. 3. Whereas, the First Called Session of the Thirty-fifth Legislature is in session and public policy requires the appropriation as set forth in Section 1 of this Act, therefore, an imperative public necessity exists that the constitutional rule, requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, April 26, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Suiter.

The roll was called, a quorum being present, the following senators answering to their names:

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|---------------------|------------------|
| Bee. | Johnson of Hall. |
| Buchanan of Bell. | King. |
| Buchanan of Scurry. | Lattimore. |
| Clark. | McCollum. |
| Dayton. | McNealus. |
| Dean. | Page. |
| Decherd. | Parr. |
| Gibson. | Robbins. |
| Hall. | Smith. |
| Harley. | Strickland. |
| Henderson. | Suiter. |
| Hopkins. | Westbrook. |
| Hudspeth. | Woodward. |

Absent.

Bailey. Caldwell.

Absent—Excused.Alderdice. Johnston of Harris
Floyd.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Message From the Governor.

The Chair here laid before the Senate the following message from the Governor received today:

Governor's Office,
Austin, Texas, April 25, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Honorable W. R. Butler and Honorable J. F. Harris, respectively, I hereby submit for your consideration the following bills, hereto attached:

An Act creating the Armstrong Independent School District of Bell County, Texas; and

An Act to amend Article 890, Chapter 6, Title 13 of the Penal Code, Revised Criminal Statutes, 1911, relating to the shipment of certain game;

Together with such additions, and amendments as the Legislature in its wisdom may deem proper.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Bills and Resolutions.

By Senator Harley:

S. B. No. 13, A bill to be entitled "An Act to provide for the appointment of officers of the National Guard of Texas and prescribing their

qualifications and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 and 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Military Affairs.

By Senator Harley:

S. B. No. 14, A bill to be entitled "An Act making an appropriation of one million dollars or so much thereof as may be necessary out of the general revenue or any other available funds for the purpose of providing for the pay, transportation, subsistence and all other expenses of the military forces of the State when ordered on duty or when mobilized or when recruiting and organizing troops or when ordered on military duty; providing for the pay, transportation and expense of officers on active duty or while serving on military courts and boards; providing for mileage and per diem and expense of witnesses appearing before military courts and boards; providing for armory and storage facilities and organization; providing for training, mobilizing and subsisting, paying, equipping, preparing for muster into and out of Federal service; providing for organizing, maintaining and equipping school of instruction for officers or enlisted men; providing for books and supplies; providing for necessary chemical assistance and labor in storage rooms, arsenals, armories and headquarters; providing for transportation of stores and supplies and laundry and care of uniforms and equipment and for hire, purchase, transportation and subsistence of animals, and for printing, stationery, postage, telephoning, telegraphing and for the purchase of stores, supplies, uniforms, arms and equipment; providing for the pay for the Adjutant General, chief clerk, stenographers, porter and other additional help in the Adjutant's department, and for stationery, printing, postage and other expenses of that department; providing for all other military expenses of whatsoever character and declaring an emergency."

Read first time and referred to Committee on Military Affairs.

By Senator Buchanan of Bell:

S. B. No. 15, A bill to be entitled "An Act creating the Armstrong Independent School District of Bell County, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Senate Concurrent Resolution No. 5.

By Senators Caldwell and Hudspeth:

Whereas, there is now unappropriated \$7,000,000 in cash in the Treasurer's office;

Whereas, this money, under the Appropriation Bill, cannot be drawn from the treasury until ninety days after adjournment of this Legislature;

Whereas, the United States Government has short time certificates bearing 3 per cent interest, which will be redeemed in cash within sixty days;

Whereas, the State of Texas, by purchasing these bonds, can, at the expiration of sixty days, reconvert its money, and at the same time bring into the treasury of Texas approximately \$25,000 from the interest on said bonds; therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the Treasurer is hereby authorized to invest all of the available cash of the State Treasury in said bonds that he may deem wise and expedient, so as to not in any way hamper the affairs of his office.

The resolution was read and on motion of Senator Hudspeth the same was adopted.

Simple Resolution No. 16.

Whereas, there are many outstanding claims against the State of Texas that have never been audited;

Whereas, it is necessary to look into these claims carefully and ascertain the correctness of same and the justice of same;

Whereas, the Senate Finance Committee on yesterday agreed to employ an auditor in the person of Mr. A. L. Elliott, at the sum of \$6.50 per day, said services to be continued at pleasure of Chairman of the Finance Committee; therefore be it

Resolved by the Senate of Texas,

the said Elliott is hereby employed and the action of the Finance Committee is ratified in said employment.

Signed: Hudspeth, Johnson, Page, Westbrook, Parr, Dean, Hopkins, Decherd, Bee, Caldwell.

The resolution was read and on motion of Senator Hudspeth the same was adopted.

Simple Resolution No. 17.

Whereas, the members and employes of the Senate were each and all complimented this morning with a beautiful rose presented them by Johnnie Hurley, one of our most courteous, energetic and efficient pages, these roses being from his mother's flower garden; therefore be it

Resolved by the Senate, which includes the fair lady stenographers and other employes who join in this expression of appreciation, that we extend to Johnnie Hurley our sincere thanks for his thoughtful and kind remembrance and wish him and his fond mother the most abundant happiness throughout their lives; and may fragrant roses ever be scattered along their pathway as they strew them along the pathway of others.

SMITH,
HENDERSON.

The resolution was read and adopted.

Simple Resolution No. 18.

Be it resolved, that the compensation of the Clerk of the Finance Committee be increased from five dollars to six dollars and fifty cents per day, effective upon adoption of this resolution.

CALDWELL.

The resolution was read and adopted by the following vote:

Yeas—15.

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| Balley. | Hudspeth. |
| Bee. | McCollum. |
| Buchanan of Bell. | McNealus. |
| Caldwell. | Parr. |
| Decherd. | Strickland. |
| Hall. | Westbrook. |
| Harley. | Woodward. |
| Hopkins. | |

Nays—11.

Buchanan of Scurry. King.
 Dayton. Lattimore.
 Dean. Page.
 Gibson. Smith.
 Henderson. Suiter.
 Johnson of Hall.

Absent.

Clark. Robbins.

Absent—Excused.

Alderdice. Johnston of Harris.
 Floyd.

Senate Concurrent Resolution No. 6.

Whereas, the Grand Commandery of Knights Templar of Texas will convene in Austin on April 17 and 18, 1918, in annual convention; therefore be it

Resolved by the Senate and House of Representatives, that the use of the Senate Chamber and the Hall of the House of Representatives be tendered them for holding that meeting and for the reception to be given to the Grand Commandery at that time.

CALDWELL.

The resolution was read and on motion of Senator Caldwell the same was adopted.

Morning call concluded.

Senate Bill No. 13.

(By unanimous consent.)

On motion of Senator Harley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 13 put on its second reading by the following vote:

Yeas—23.

Bailey. Johnson of Hall.
 Bee. King.
 Buchanan of Bell. Lattimore.
 Buchanan of Scurry. McNealus.
 Dayton. Page.
 Dean. Parr.
 Decherd. Smith.
 Gibson. Strickland.
 Hall. Suiter.
 Harley. Westbrook.
 Henderson. Woodward.
 Hopkins.

Absent.

Caldwell. McCollum.
 Clark. Robbins.
 Hudspeth.

Absent—Excused.

Alderdice. Johnston of Harris.
 Floyd.

The Chair laid before the Senate on second reading,

S. B. No. 13, A bill to be entitled "An Act to provide for the appointment of officers of the National Guard of Texas, etc."

On motion of Senator Lattimore the bill was ordered printed in today's Journal. The bill follows:

By Harley.

S. B. No. 13.

A BILL
 To Be Entitled

An Act to provide for the appointment of officers of the National Guard of Texas and prescribing their qualification and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 and 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of The State of Texas:

Section 1. All officers of the National Guard of Texas shall be appointed and commissioned by the Governor, and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court martial or an efficiency board legally convened for that purpose.

Sec. 2. Staff officers, including officers of the pay, inspection, subsistence and medical departments, hereafter appointed shall have had previous military experience; and vacancies among said officers shall be filled by the appointment from the officers of the militia of the State of Texas. All other officers of the National Guard of Texas shall be selected from the following classes:

Officers and enlisted men of the National Guard, officers on the reserve or unassigned list of the Na-

tional Guard; officers, active or retired, and former officers of the United States Army, Navy and Marine Corps; graduates of the United States Military and Naval Academies, and graduates of schools, colleges and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein.

Sec. 3. All officers of the National Guard of Texas shall be citizens of the United States, over twenty-one and under sixty-four years of age, and shall take and subscribe the oath of office, and shall have successfully passed the physical examination as prescribed by the laws of the United States.

Sec. 4. The term of, and requirements for enlistment and the qualifications of enlisted men in the National Guard shall be that which is now or may hereafter be prescribed by the laws of the United States.

Sec. 5. Articles 5802 and 5804 of the Revised Statutes, 1911, and all other laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The public importance of this Act and the immediate necessity of passing a law to conform to the requirements of the National Defense Act, approved June 3, 1916, in order that the State of Texas may participate in the Federal appropriations for the maintenance and support of the National Guard for the various states, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

Senate Bill No. 12.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 12, A bill to be entitled "An Act creating the San Diego Independent County Line School District of Duval County by adding to and making a part of what is now known as the San Diego Independent School District of Duval County certain lands and territory adjoining thereto and situated in Duval and

Jim Wells Counties for school purposes only, etc."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 12 put on its third reading and final passage by the following vote:

Yeas—22.

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| Bee. | Johnson of Hall. |
| Buchanan of Scurry. | King. |
| Clark. | Lattimore. |
| Dayton. | McCollum. |
| Dean. | Page. |
| Decherd. | Parr. |
| Gibson. | Smith. |
| Hall. | Strickland. |
| Harley. | Sulter. |
| Henderson. | Westbrook. |
| Hopkins. | Woodward. |

Absent.

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| Bailey. | Hudspeth. |
| Buchanan of Bell. | McNealus. |
| Caldwell. | Robbins. |

Absent—Excused.

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| Alderdice. | Johnston of Harris. |
| Floyd. | |

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—24.

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| Bailey. | Hopkins. |
| Bee. | Johnson of Hall. |
| Buchanan of Bell. | King. |
| Buchanan of Scurry. | Lattimore. |
| Clark. | McCollum. |
| Dayton. | Page. |
| Dean. | Parr. |
| Decherd. | Smith. |
| Gibson. | Strickland. |
| Hall. | Sulter. |
| Harley. | Westbrook. |
| Henderson. | Woodward. |

Absent.

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| Caldwell. | McNealus. |
| Hudspeth. | Robbins. |

Absent—Excused.

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| Alderdice. | Johnston of Harris. |
| Floyd. | |

Special Committee Report.

The special committee appointed on yesterday to confer with the Governor concerning the matter of the date of elections to be held for the purpose of voting on certain constitutional amendments, reported that the Governor is out of town, but that one of the joint resolutions had been vetoed by the Governor and that there would be but one election held for such purpose during the year.

The committee was not discharged and may make further report at a later date.

Recess.

At 11:15 o'clock a. m., on motion of Senator Dean, the Senate recessed until 1:55 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro. Tem. Suiter.

Adjournment.

At 2:00 o'clock p. m., on motion of Senator Dean, the Senate adjourned until 10:00 o'clock tomorrow morning, and repaired in a body to the Hall of the House of Representatives for the purposes of hearing the address of Hon. J. F. Wolters.

APPENDIX.**Petitions and Memorials.**

Senators Johnson and McNealus offered petitions in reference to the agriculture extension work, asking that the bill be not repealed for the junior A. and M. colleges and appropriations made therefor.

Committee Reports.

(Floor Report.)

Senate Chamber,
Austin, Texas, April 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 13, A bill to be entitled "An Act to provide for the appointment of officers of the National Guard of Texas and prescribing their qualification and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 and 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Harley, Vice-Chairman; Bailey, Suiter, Johnson of Hall, Woodward, Bee.

Committee Room,
Austin, Texas, April 26, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 10, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the judicial department of the State government, for two years, beginning September 1, 1917, and ending August 31, 1919; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass.

HUDSPETH, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, April 25, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 12, A bill to be entitled "An Act creating the San Diego Independent County Line School District of Duval County by adding to and making a part of what is now known as the San Diego Independent School District of Duval County certain lands and territory adjoining thereto and situated in Duval and Jim Wells Counties for school purposes only, etc., and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the re-

commendation that it do pass, and be not printed.

Bee, Chairman; Page, Gibson, Buchanan of Scurry, Smith, Lattimore, Bailey, Johnson.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, April 25, 1917.

Hon. W. P. Hobby, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 1 and find it correctly enrolled, and have this day at 12 o'clock m. presented same to the Governor for his approval.

SMITH, Chairman.

By Caldwell. S. C. R. No. 1.

Whereas, It is necessary that copy of all enrolled bills in both the House and Senate be furnished to the State Printer by the Secretary of State, and by such copy being made and so furnished by the enrolling clerks of both the House and Senate much time and expense will be saved the State; therefore be it

Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk of the Senate and the Enrolling Clerk of the House be directed and required to make carbon copies of all enrolled bills and resolutions that are sent to the Governor for his approval, and they shall furnish said copies to the Secretary of State at the same time the original enrolled bills and resolutions are transmitted to the Governor.

Committee Room,
Austin, Texas, April 25, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 2 and find it correctly enrolled, and have this day at 12 o'clock m. presented same to the Governor for his approval.

SMITH, Chairman.

By Lattimore. S. C. R. No. 2.

Be it resolved by the Senate, the House concurring, That the joint rules of the House and Senate adopt-

ed by both houses of the Thirty-fourth Legislature be adopted as the joint rules for the First Called Session of the Thirty-fifth Legislature.

Committee Room,
Austin, Texas, April 25, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 3 and find it correctly enrolled, and have this day at 12 o'clock m. presented same to the Governor for his approval.

SMITH, Chairman.

By Strickland. S. C. R. No. 3.

Be it resolved by the Senate of Texas, the House of Representatives concurring:

Whereas, A shortage in the food crops of the United States has been predicted by the Federal government, and for this reason and for the further reason that war stalks abroad in the land, President Wilson has called upon the citizenship of this nation to use its every effort to conserve its food supply; and,

Whereas, It is more necessary for soldiers to have bread than it is to furnish them with arms and ammunition; and,

Whereas, Statistics show that more than 600,000,000 bushels of grain in this country are annually converted into intoxicating liquors by the distillers and breweries of the United States, thereby destroying much of the nation's food supply; therefore be it

Resolved, That we, as patriotic American citizens who desire to serve our country in this time of need, recommend to his excellency, the President of the United States, that until peace is assured, that no more foodstuffs be hereafter used in the United States for the purpose of making intoxicating liquors, except for medicinal and artistic purposes.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Friday, April 27, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment.

The President and President Pro Tem. both being absent, the Senate